

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES E. FENTON, JR.)
Petitioner,)
)
)
)
v.) No. 3:09-1057
) JUDGE HAYNES
)
ROLAND COLSON, Warden,)
Respondent.)

DWYER
The motion
is DENIED as
failure to respond
is deemed a

**RESPONDENT'S MOTION TO RECONSIDER COURT'S GRANTING AN
EVIDENTIARY HEARING AND FOR ISSUANCE OF A WRIT OF HABEAS
CORPUS *AD TESTIFICANDUM***

Comes the respondent, Roland Colson, Warden, by counsel, pursuant to Federal Rule of Procedure 7(b) and Local Rule 7.01 and respectfully requests this Honorable Court reconsider its Order granting the petitioner's motion for an evidentiary hearing and issuance of a writ of habeas corpus *ad testificandum* entered on April 30, 2012. In support, the respondent states as follows:

1. On April 30, 2012, the Court entered an Order granting the petitioner's motion for an evidentiary hearing and issuance of a writ of habeas corpus *ad testificandum* stating the motion was unopposed. (Doc. Entry No. 26).
2. Indeed, the respondent previously opposed the petitioner's request for an evidentiary hearing in the parties Joint Statement setting forth the reasons and